

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1241

Introduced by Vrtiska, 1; Burling, 33; Combs, 32; Hartnett, 45;
Kremer, 34

Read first time January 21, 2004

Committee: Business and Labor

A BILL

- 1 FOR AN ACT relating to claims against the state; to appropriate
- 2 funds for the payment of certain claims; to provide for
- 3 payment of the claims; to authorize certain write-offs as
- 4 prescribed; and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

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1 Section 1. There are hereby appropriated the following
2 sums of money, or so much thereof as may be required, from the
3 General Fund or from other funds as indicated in the state
4 treasury, not otherwise appropriated, for the payment of claims
5 arising out of miscellaneous items of indebtedness owing by the
6 State of Nebraska.

7 2003-2004 MISCELLANEOUS CLAIMS

| 8 DESCRIPTION | DOLLARS |
|---|------------|
| 9 Claim No. 03-372, against the Office of the Attorney | |
| 10 General, pay to <u>John Freudenberg</u> , Box 490, | |
| 11 Rushville, NE 69360, out of the General Fund. | 707.00 |
| 12 Claim No. 03-390, against the Office of the Attorney | |
| 13 General, pay to <u>John Freudenberg</u> , Box 490, | |
| 14 Rushville, NE 69360, out of the General Fund. | 224.00 |
| 15 Claim No. 03-491, against the Department of Revenue, | |
| 16 pay to <u>Combined Insurance Co. of America</u> , | |
| 17 P.O. Box 8264, Chicago, IL 60680, | |
| 18 out of the General Fund. | 64,852.00 |
| 19 Claim No. 03-582, against the Office of the Attorney | |
| 20 General, pay to <u>John Freudenberg</u> , Box 490, | |
| 21 Rushville, NE 69360, out of the General Fund. | 686.00 |
| 22 Claim No. 03-658, against the Department of Revenue, | |
| 23 pay to <u>Cushman Inc.</u> , Attn: Oscar Almeida, | |
| 24 40 Westminister Street, Providence, RI 02903, | |
| 25 out of the General Fund. | 170,182.00 |
| 26 Claim No. 03-758, against the Office of the Attorney | |
| 27 General, pay to <u>John Freudenberg</u> , Box 490, | |
| 28 Rushville, NE 69360, out of the General Fund. | 350.00 |

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| 1 | Claim No. 03-803, against the Department of Revenue, | |
| 2 | pay to <u>CC VIII Operating LLC</u> , 12405 Powerscourt Dr., | |
| 3 | St. Louis, MO 63131, out of the General Fund. | 10,487.92 |
| 4 | Claim No. 03-807, against the Office of the Attorney | |
| 5 | General, pay to <u>John Freudenberg</u> , Box 490, | |
| 6 | Rushville, NE 69360, out of the General Fund. | 1,029.00 |
| 7 | Claim No. 03-861, against the Office of the Attorney | |
| 8 | General, pay to <u>John Freudenberg</u> , Box 490, | |
| 9 | Rushville, NE 69360, out of the General Fund. | 1,274.00 |
| 10 | Claim No. 03-884, against the Office of the Attorney | |
| 11 | General, pay to <u>Thomas Donner</u> , | |
| 12 | 137 S. Main Street, Suite 2, | |
| 13 | West Point, NE 68788, out of the General Fund. | 162.00 |
| 14 | Claim No. 03-885, against the Office of the Attorney | |
| 15 | General, pay to <u>Thomas Donner</u> , | |
| 16 | 137 S. Main Street, Suite 2, | |
| 17 | West Point, NE 68788, out of the General Fund. | 72.00 |
| 18 | Claim No. 03-886, against the Office of the Attorney | |
| 19 | General, pay to <u>Thomas Donner</u> , | |
| 20 | 137 S. Main Street, Suite 2, | |
| 21 | West Point, NE 68788, out of the General Fund. | 81.00 |
| 22 | Claim No. 03-887, against the Office of the Attorney | |
| 23 | General, pay to <u>Thomas Donner</u> , | |
| 24 | 137 S. Main Street, Suite 2, | |
| 25 | West Point, NE 68788, out of the General Fund. | 171.50 |
| 26 | Claim No. 03-909, against the Office of the Attorney | |
| 27 | General, pay to <u>Melodie Bellamy</u> , 15 Meadow Lane, | |
| 28 | Kearney, NE 68845, out of the General Fund. | 2,575.00 |

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1 Claim No. 04-133, against the Office of the Attorney
2 General, pay to John Freudenberg, Box 490,
3 Rushville, NE 69360, out of the General Fund. 448.00

4 The claims included in this section shall be paid through
5 Program 536 in Agency 65.

6 For informational purposes only, the appropriations
7 contained in this section and fund source:

| | |
|----------------|------------|
| 8 GENERAL FUND | 253,301.42 |
| 9 TOTAL | 253,301.42 |

10 Sec. 2. The following sums of money, or so much thereof
11 as may be required, are hereby appropriated from the General Fund
12 or from other funds as indicated in the state treasury, not
13 otherwise appropriated, for the payment of tort claims which have
14 been settled by the Attorney General in the district court or in
15 which court judgments have been entered and which require the
16 approval of the Legislature for payment.

| 17 DESCRIPTION | DOLLARS |
|--|------------|
| 18 Tort Claim No. 95-555, against the Department of 19 Health and Human Services, pay to <u>Brian Kennedy and</u> 20 <u>Richard Fellman, Attorney</u> , 209 South 19th Street, 21 Omaha, NE 68102, out of the General Fund. | 112,764.39 |

| | |
|---|--------------|
| 22 Tort Claim No. 00-065, against the Department of 23 Roads, pay to <u>Melvin Cerny and Sherrets & Boecker</u> , 24 260 Regency Parkway Drive, Suite 200, 25 Omaha, NE 68114, 26 out of the Department of Roads Operation Cash Fund. | 1,725,873.30 |
|---|--------------|

27 The claims included in this section shall be paid through
28 Program 591 in Agency 65.

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1 For informational purposes only, the appropriations
2 contained in this section and fund source:

| | |
|----------------|--------------|
| 3 GENERAL FUND | 112,764.39 |
| 4 CASH FUND | 1,725,873.30 |
| 5 TOTAL | 1,838,637.69 |

6 Sec. 3. The following sums of money, or so much thereof
7 as may be required, are hereby appropriated from the General Fund
8 or from other funds as indicated in the state treasury, not
9 otherwise appropriated, for the payment of indemnification claims
10 which have been settled by the Attorney General in the district
11 court or in which court judgments have been entered and which
12 require the approval of the Legislature for payment.

| 13 DESCRIPTION | DOLLARS |
|--|-----------|
| 14 Indemnification Claim No. 525(00), against the | |
| 15 Department of Health and Human Services, pay to <u>Gary</u> | |
| 16 <u>Richmond and Monte Neilan, Attorney</u> , P.O. Box 419, | |
| 17 Scottsbluff, NE 69361, out of the General Fund. | 51,210.92 |

18 The claim included in this section shall be paid through
19 Program 592 in Agency 65.

20 For informational purposes only, the appropriation
21 contained in this section and fund source:

| | |
|-----------------|-----------|
| 22 GENERAL FUND | 51,210.92 |
| 23 TOTAL | 51,210.92 |

24 Sec. 4. The following sums of money, or so much thereof
25 as may be required, are hereby appropriated from the General Fund
26 or from other funds as indicated in the state treasury, not
27 otherwise appropriated, for the payment of workers' compensation
28 claims which have been settled by the Attorney General in the

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1 Nebraska Workers' Compensation Court or in which court judgments
2 have been entered and which require the approval of the Legislature
3 for payment.

4 DESCRIPTION

DOLLARS

5 Workers' Compensation judgment, pay to Ida Burdue
6 and Gordon Peterson, Attorney, 100 North 8th Street,
7 Lincoln, NE 68508, out of the Workers' Compensation
8 Claims Revolving Fund.

27,857.52

9 The claim in this section shall be paid through Program
10 593 in Agency 65.

11 For informational purposes only, the appropriation
12 contained in this section and fund source:

13 REVOLVING FUNDS

22,410.74

14 TOTAL

22,410.74

15 Sec. 5. The Director of Administrative Services is
16 hereby authorized and directed to draw his or her warrants on or
17 before June 30, 2005, upon the funds in the state treasury
18 enumerated in this act, in favor of the several beneficiaries named
19 in this act for the amount set opposite their respective names upon
20 the presentation of proper vouchers therefor. The several amounts
21 appropriated in this act shall be in full payment of any and all
22 claims, rights, causes of action, damages, and demands of every
23 character and kind owing by or against the State of Nebraska, its
24 officers, agents, and employees, and their successors and assigns
25 with respect to each of the beneficiaries respectively in whose
26 favor the appropriations are made. The director shall not deliver
27 any warrant for any items appropriated in this act until a receipt
28 and release in full, releasing the State of Nebraska, its officers,

1 employees, and agents, and their successors and assigns, has been
 2 filed by each of the beneficiaries respectively. Upon presentation
 3 of the warrants, the State Treasurer is hereby directed to pay the
 4 same out of money in the General Fund or out of money in other
 5 funds indicated in this act not otherwise appropriated.

6 Sec. 6. The following requests were filed by state
 7 agencies seeking permission to write off certain accounts. The
 8 State Claims Board reviewed and approved the following requests:

| 9 DESCRIPTION | DOLLARS |
|---|------------|
| 10 Request No. 04-013, made by the Clerk | |
| 11 of the Legislature | 22.35 |
| 12 Request No. 04-221, made by the Nebraska | |
| 13 Accountability and Disclosure Commission | 41,396.53 |
| 14 Request No. 04-238, made by the Military Department | 9,060.29 |
| 15 Request No. 04-252, made by the Supreme Court | 223.50 |
| 16 Request No. 04-256, made by the Department of | |
| 17 Health and Human Services | 124,444.89 |
| 18 Request No. 04-257, made by the Western Nebraska | |
| 19 Veterans' Home | 479.34 |
| 20 Request No. 04-258, made by the Department of Health | |
| 21 and Human Services Finance and Support | 668.00 |
| 22 Request No. 04-277, made by the Grand Island | |
| 23 Veterans' Home | 10,272.60 |
| 24 Request No. 04-278, made by the Norfolk | |
| 25 Veterans' Home | 21,835.67 |
| 26 Request No. 04-286, made by the Department of | |
| 27 Administrative Services, division of communications | 180.00 |

28 Sec. 7. Since an emergency exists, this act takes effect

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1 when passed and approved according to law.